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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Jason Theodosakis, M.D., an individual;  
Supplement Testing Institute, Inc., an  
Arizona corporation,

Plaintiffs,

v.

Daniel O. Clegg, M.D., et al.,

Defendants.

No. 4: 14-CV-2445-TUC-JAS (CRP)

**ORDER**

Pending before the Court are two Report and Recommendations issued by United States Magistrate Judge Pyle that recommend granting the Motion to Set Aside Entry of Default (Doc. 49) and denying the defendants' Motion to Dismiss (Doc. 50). A review of the record reflects that the parties have not filed any objections to the Report and Recommendations and the time to file objections has expired. As such, the Court will not consider any objections or new evidence.

The Court has reviewed the record and concludes that Magistrate Judge Pyle's recommendations are not clearly erroneous. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999); *Conley v. Crabtree*, 14 F.Supp.2d 1203, 1204 (D. Or. 1998).

Accordingly, IT IS HEREBY ORDERED as follows:

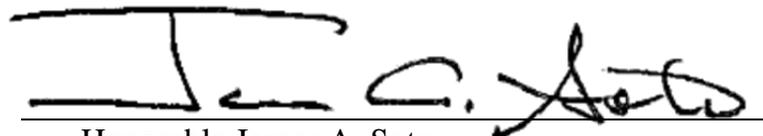
(1) Magistrate Judge Pyle's Report and Recommendations (Docs. 49 and 50) are accepted and adopted.

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(2) The Motion to Set Aside Entry of Default (Doc. 40) is GRANTED.

(3) The Motion to Dismiss (Doc. 29) is DENIED. Within 14 days of the filing of this Order, the parties shall submit a joint proposed scheduling order addressing discovery and filings regarding the statute of limitations issue.

Dated this 31st day of March, 2016.



Honorable James A. Soto  
United States District Judge